

The State deploys the three Ds to silence whistleblowers: delay, deny, destroy

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Garda whistleblower: Sgt Maurice McCabe and his wife, Lorraine, at Dublin Castle for the Disclosures Tribunal in 2021. Photograph: Gareth Chaney/Collins

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One of the many distressing threads in the story of [“Grace”](#), and of [Marjorie Farrelly’s report on](#) the serious allegations of abuse against a severely disabled young woman in a foster home, is the treatment meted out to whistleblowers who eventually rescued her.

In 2017, the social worker who had first raised a red flag about the plight of Grace and who had toiled for seven years to [secure a settlement](#) of €6.3 million for Grace and placement in a secure, caring home, was asked about her exhausting campaign: “Would you do it all over again?” She answered, “Yes, it was absolutely worth it”.

Recently, following [release of the Farrelly Commission report](#), she was asked the same question in a radio interview, and she answered, “No, no, what’s the point?” The voice of “Paula” – a pseudonym given to the social worker – on the radio clearly conveyed that she has been traumatised by the whole affair.

Her fellow whistleblower, Iain Smith, [was reported as expressing similar sentiments](#). Smith said: “I think anyone who’s thinking of coming forward in Ireland and divulging tales of abuse that they have heard of in their workplace needs to know what the State can do to you.”

There are countless cases of institutional retaliation against whistleblowers who expose wrongdoing and of silencing citizens who seek truth or justice from the State. Recall the vicious treatment of [Garda sergeant Maurice McCabe](#) – who stood up for better standards in An Garda Síochána but was “repulsively denigrated” as a result, a [subsequent report by Mr Justice Peter Charleton](#) found – or the draining experience of the O’Farrell family who have sought, for 14 years, [the truth about the driver who knocked their son Shane off his bike](#) in 2011 and killed him.

Reflecting on these cases makes it clear that a well-rehearsed playbook is being routinely employed to deal with people in search of answers from the State.

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A former MI5 spy, who now goes by the name Sam Rosenfeld, says that the strategy of MI5 in dealing with people who expose wrongdoing by security services is “three Ds”, signifying delay, deny, destroy. Whatever about MI5,

this neatly sums up the Irish State's playbook. In his book, [Just Freedom: a moral compass for a complex world](#), Irish political philosopher Philip Pettit cites two other weapons employed by the State: anonymity and bottomless pockets.

Of course, this playbook doesn't exist as a physical document. It is a suite of cunning manoeuvres transmitted through nod and wink among a coterie of public servants and colluding public relations and legal advisers, and sometimes politicians, who see their mission in life as the protection of the reputation and careers of senior officials, government ministers and State institutions and the neutralising of reporters of wrongdoing, whom they deem expendable.

Deny

Even when the dogs in the street know what's going on, denial takes the form of shooting the messenger and spin. Judge Peter Charleton denounced [pervasive use of spin](#) in his report on the Disclosures Tribunal as "meaningless public-relations speak" and "a hideous development in Irish public life".

Delay

It took 43 years for a verdict of "unlawful killing" to be delivered regarding [the Stardust tragedy](#); and families regularly emerge from the courts after years battling for nothing more than the truth of what happened to their loved ones in hospital. Rosenfeld called this tactic "the weaponisation of time".

Destroy

The sheer length of time it takes to get justice is enough to defeat an unknown number of people, who just give up. Delay is compounded by exploiting legal loopholes – real or invented. For example, documents that a complainant is entitled to see are withheld for months and then, when forced to disclose, the institution seeks to overwhelm the complainant by releasing several thousands of pages of documentation. One family who sought the records of their child's surgery from Temple Street children's hospital had to go to the High Court to secure the information.

Other more crude tactics include publicly smearing the reporter of wrongdoing, moving them to a non-job and isolating them, or seeking to reframe genuine protected disclosures as breaches of data protection laws or the Official Secrets Act.

Anonymity

It is common for officials to say the person responsible for a particular decision cannot be named, “on legal advice”. Judge Mary Ellen Ring, when chairing the Garda Síochána Ombudsman Commission ([GSOC](#)), threatened to sue An Garda Síochána for failing to co-operate with an investigation into alleged Garda misconduct; but who precisely in An Garda was not co-operating? Anonymity means no personal accountability.

Bottomless pockets

Officials who adopt these tactics to neutralise whistleblowers and truth seekers have seemingly no concern about the enormous cost to the State of their distorted understanding of public service.

Recently in the Dáil, Taoiseach [Micheál Martin](#) said of the [paediatric spinal surgeries controversy](#), “there must be accountability”. A few days later, Minister [Norma Foley](#) commenting on the Grace story proclaimed, “this must never be allowed to happen again”. However, political hand-wringing, abject apologies and pay-offs with multi-million-euro redress schemes will change nothing.

Tragedies and cover-ups have happened before, they are undoubtedly happening now and they will assuredly happen again, unless the Government steels itself to embed effective systems of governance and personal accountability. This means accountability with consequences. Building on the good work of the Office of the [Ombudsman](#), the Government must systematically root out the routine deployment of the cynical playbook outlined

here, which undermines the democratic right of citizens to truth and justice, destroys lives, erodes trust in State institutions and costs a fortune.

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